

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ARLENE DELGADO,

Plaintiff,

-against-

DONALD J. TRUMP FOR PRESIDENT, INC.,
TRUMP FOR AMERICA, INC., SEAN SPICER,
individually, REINCE PRIEBUS, individually,
and STEPHEN BANNON, individually,

Defendants.
-----X

No. 19 Civ. 11764 (AT)(KHP)

**DECLARATION OF
DANIEL S. KIRSCHBAUM IN
SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL**

Daniel S. Kirschbaum declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney associated with the Derek Smith Law Group, PLLC (the “Firm”), counsel for Plaintiff Arlene J. Delgado in the above-captioned matter.

2. I submit this Declaration in support of the present motion by the Firm to withdraw as counsel pursuant to Local Civil Rule 1.4 and New York State Bar Association Rule of Professional Conduct 1.16, and I am fully familiar with the facts stated herein.

3. The basic reason for this motion that Plaintiff has fired our firm and there is an irreparable breakdown in attorney-client relations.

4. Comment 3 to New York State Bar Association Rule of Professional Conduct 1.16 provides that “the court may request an explanation for the withdrawal, while the lawyer may be bound to keep confidential the facts that would constitute such an explanation. The lawyer’s statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient.” Similarly, the Committee Note to Local Civil Rule 1.4 recommends that it is not meant to preclude the Court from permitting the reasons for withdrawal

to be stated in camera and under seal in an appropriate case.

5. Accordingly, should the Court require additional information regarding the differences that have arisen between Plaintiff and the Firm, we respectfully request an *ex parte*, *in-camera* interview in order to fully and frankly discuss this matter while protecting client confidences and privileged attorney-client communications.

6. Additionally, we are requesting a 90-day adjournment of the current case schedule to give Plaintiff reasonable time to find new counsel.

7. This motion and all supporting papers are being served herewith upon all Parties via ECF, and upon Plaintiff via e-mail.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 30, 2023

/s/ Daniel S. Kirschbaum
Daniel S. Kirschbaum